IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

W.P.(C).No.16793 of 2005 (Y)

PETITIONERS:-
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1. P.MURALEEDHARAN, S/O.GOVINDAKURUPPU.
   PARAYIL HOUSE, KAKKATTIL P.O. KOZHIKODE.

2. A.GOPIDAS, S/O.P.K.KUNHIRAMAN
   NAMBIAR, AYADATHIL HOUSE, KAKKATTIL P.O.
   KOZHIKODE.

3. O.P.CHANDRAN, S/O.KELU NAIR
   ONTHAMPARAMBATHU HOUSE, VATTOLI P.O.
   KOZHIKODE.

4. K.CHANDRAN, S/O.KUNHIRAMAN, KULANGARA HOUSE,
   KAKKATTIL P.O. KOZHIKODE.

BY ADV. SRI.SUNNY VARGHESE
SRI.K.JAYASANKAR (PAYYOLI)
SRI.SKARIAH BABY
SRI.P.A.AUGUSTIAN

RESPONDENTS:-
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1. THE COMMISSIONER, HINDU RELIGIOUS AND
   CHARITABLE ENDOWMENTS (ADMINISTRATION) DEPARTMENT,
   CIVIL STATION, KOZHIKODE.

2. THE ASST. COMMISSIONER,
   HINDU RELIGIOUS & CHARITABLE(ADMN)DEPARTMENT,
   CIVIL STATION, KOZHIKODE.

3. G.GANGADHARAN NAMBIAR,
   S/O.T.V.KUNHIRAMAN NAMBIAR, KOUSTHUBHAM,
   KAKKATTIL P.O. KOZHIKODE.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONERS' EXHIBITS:-

EXT.P1 - EXT.P1 - TRUE COPY OF THE APPOINTMENT ORDER NO.D.DIS.A2. 1692/02 DATED 16.06.2004.

EXT.P2 - TRUE COPY OF THE ORDER DATED 29.10.2004 PASSED BY THIS COURT IN W.P.(C).NO.28912 OF 2004.

EXT.P3 - TRUE COPY OF REPRESENTATION DATED NIL SUBMITTED TO RESPONDENT NO.1 AND POSTAL ACKNOWLEDGEMENT OF RECEIPT THEREOF.

EXT.P4 - COPY OF R.P.10/05.

EXT.P5 - ORDER DATED 14.7.2006 IN R.P.10/05.

- TRUE COPY -

V.K.Bali,C.J. & M.Ramachandran,J.

W.P.(C).No.16793 of 2005-Y

Dated, this the 9th day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

P.Muraleedharan and three others have filed this petition under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the 1st respondent to implement the order Exhibit P1 appointing the petitioners as non-hereditary trustees of Kunnummal Sri Bhagawati Temple.

2. The bare minimum facts that need necessary mention reveal that the petitioners were appointed as non-hereditary trustees in Kunnummal Sri Bhagawati Temple, Kakkattil P.O., Kozhikode vide order Exhibit P1 dated 16.6.2004. The 3rd respondent challenged the appointment of the petitioners in W.P.(C).No.28912 of 2004 and this Court granted stay of the appointment. On 29.10.2004, however, reserving the right of the petitioner in the writ petition aforesaid to challenge the order before appropriate authority, this Court disposed of the writ petition vide judgment Exhibit P2. The order of stay was directed

to be continued till the revision was to be filed. At the time of filing of the present writ petition, no revision was filed, but during the pendency of the same, it appears that revision was filed, which was dismissed by the authority concerned vide order dated 14th July 2006, Exhibit P5. Once the revision has been dismissed, the petitioners who were appointed as non-hereditary trustees vide order Exhibit P1 have to be permitted to take charge. In the circumstances as mentioned above, we direct the 1st respondent to permit the petitioners to take charge as non-hereditary trustees of Kunnummal Sri Bhagawati Temple.

The writ petition is allowed as indicated above. I.A.No.14854 of 2006 does not survive.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-